

**COURT OF APPEALS
DECISION
DATED AND FILED**

June 12, 2013

Diane M. Fremgen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2012AP1176

Cir. Ct. No. 2006GN501

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

IN THE MATTER OF THE GUARDIANSHIP OF AARON B.:

MARGARET BACH,

APPELLANT,

V.

**COUNTY OF MILWAUKEE, ELIZABETH RUTHMANSDORFER, GUARDIAN
AD LITEM AND LIFE NAVIGATORS, INC.,**

RESPONDENTS.

APPEAL from order of the circuit court for Milwaukee County:
JANE V. CARROLL, Judge. *Affirmed.*

Before Brown, C.J., Gundrum and Blanchard, JJ.

¶1 PER CURIAM. Attorney Margaret Bach continues her pro se challenge to the out-of-home placement of her adult adjudicated incompetent son, Aaron. To that end, she petitioned to remove Life Navigators, Inc., from its position as Aaron’s corporate guardian. *See* WIS. STAT. § 54.68 (2011-12).¹ We affirm the order denying the petition, as we agree that the circuit court properly concluded that the petition failed to establish a basis upon which to remove Life Navigators.

¶2 The parties are abundantly familiar with the underlying facts of this case. Boiled down, Aaron has a rare medical condition that renders him a danger to himself and others. Aaron turned eighteen in 2006. Since then, Bach has litigated extensively and largely unsuccessfully to keep him placed in her home, with herself as Aaron’s guardian and at an idealistic level of care, all at county expense.

¶3 In May 2011, the circuit court appointed an entity now known as Life Navigators to serve as Aaron’s corporate guardian. Four months later, Bach petitioned for a review of Life Navigators’ conduct and for its removal as Aaron’s guardian. On the face of the standardized petition, Bach indicated that Life Navigators either did, or knowingly allowed others to, abuse or neglect Aaron; failed to exercise due diligence and reasonable care; failed to act in Aaron’s best interest; failed to provide for Aaron’s personal and medical needs; and placed Aaron in an institutional environment without cause, thus “putting his life at risk and causing irreparable harm.” The documents in support of the petition mainly

¹ All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

asserted complaints predating Life Navigators' appointment. At the hearings on the petition, instead of offering a factual basis justifying Life Navigators' removal, Bach focused on the fact of Aaron's out-of-home placement. The circuit court concluded that the petition failed to articulate any factual or legal basis upon which to remove Life Navigators. The court denied the petition as well as Bach's request for reconsideration.

¶4 Bach technically appeals the order denying her petition. She does not allege, however, that the petition stated meritorious grounds for removing Life Navigators. Indeed, Bach's petition and supporting documents fell well short of what is necessary to demonstrate what would be necessary to remove a guardian. In addition, she audaciously claims that no hearing was held on her petition.² Instead, Bach uses her appeal rights to revisit years' worth of already-litigated grievances. Alleging judicial bias, she asks this court to order that a new circuit court judge be appointed to the case, and that Aaron again be placed at home.

¶5 Under WIS. STAT. § 54.68(4), the circuit court has the discretionary authority to remove a guardian if it finds that the guardian has committed any of the acts set forth in § 54.68(2). See *Linda L. v. Collis*, 2006 WI App 105, ¶72, 294 Wis. 2d 637, 718 N.W.2d 205 (construing the predecessor statute to § 54.68). "A circuit court's discretionary determination will be affirmed if the court makes a rational, reasoned decision and applies the correct legal standard to the facts of record. We accept all findings of fact made by the circuit court unless they are clearly erroneous." *Id.* (citations omitted).

² Bach also claims that the circuit court denied her a jury trial. There is no right to a jury trial under WIS. STAT. § 54.68. Bach got the hearing to which she was entitled. See § 54.68(3).

¶6 The circuit court found that Bach’s petition was “a lot of conclusions and not a lot of facts” and “ha[d] to do with conduct that occurred way before Life Navigators was even involved in the case,” that there was “nothing specific ... within this petition that says Life Navigators did anything wrong,” and that Bach’s real objection was to Aaron’s placement. The court refused to grant Bach’s request that Aaron be returned to her home, as the propriety of Bach as guardian and her home as a safe place for Aaron already was extensively litigated and found wanting. We, too, reject Bach’s attempt to orchestrate the removal of Life Navigators not for cause, *see* WIS. STAT. § 54.68(2), but because at bottom she considers any out-of-home placement of Aaron unacceptable. We see no reason whatsoever to reverse the circuit court’s ruling.

¶7 Lastly, the respondents ask that Bach be sanctioned for ignoring this court’s admonitions against launching baseless claims, treating the court with disrespect, continuing to relitigate settled matters, and failing to follow court rules.³ While the request has merit, we will give Bach one final caution. Being Aaron’s mother does not endow her with the right to sidestep, manipulate or disregard the rules by which all litigants must play. Further like behavior will result in sanctions.

³ Attorney Bach fails to certify that her brief meets the length requirement of WIS. STAT. RULE 809.19(8)(c). Instead, she asks that her 15,802-word brief “be allowed to exceed” the 11,000-word maximum. All parties to an appeal have an obligation to present arguments in a brief meeting the Rule’s length requirement. A party who believes those page limits are insufficient to fully present its arguments must seek prior permission from this court to submit a longer brief. *See* WIS. STAT. RULE 809.14.

By the Court.— Order affirmed.

This opinion will not be published. See WIS. STAT.
RULE 809.23(1)(b)5.

